



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
FIRST JUDICIAL DISTRICT  
SUPREME COURT, CIVIL BRANCH  
60 CENTRE STREET  
NEW YORK, NEW YORK 10007-1474  
(646) 386-3170  
FAX (212) 374-1803

NY COUNTY CLERK'S NO.

560001/2009

Sub #4

ANN T. PFAU  
Chief Administrative Judge

FERN A. FISHER  
Deputy Chief Administrative Judge  
New York City Courts

JOAN B. CAREY  
Administrative Judge  
First Judicial District  
Supreme Court, Civil Branch

## ADMINISTRATIVE ORDER

Three lawsuits have been commenced in this court against J. Ezra Merkin and related entities alleging claims arising out of dealings between the defendants and Bernard L. Madoff. The first of these, New York University v. Ariel Fund Limited, Index No. 603803/2008E, was assigned on December 24, 2008 to the Honorable Richard B. Lowe III of the Commercial Division. The second, Cuomo v. Merkin, Index No. 450879/2009E, was assigned to Mr. Justice Lowe on April 7, 2009. In the third, CRT Investments, Limited v. Merkin, Index No. 601052/2009, filed April 6, 2009, a Request for Judicial Intervention has not yet been submitted. It is in the interests of the parties, judicial economy and efficiency, orderly and efficient discovery, and the avoidance of inconsistent rulings that any similar matters be assigned to a single Justice. Accordingly, by the authority vested in me as Administrative Judge of this court, I hereby direct that any matter that may already be pending or may hereafter be initiated in this court in which a plaintiff asserts claims of misrepresentation, unjust enrichment, breach of fiduciary duty, breach of contract, breach of provisions of the General Business Law, or other claims of a similar nature against Mr. Merkin, Gabriel Capital Corporation, Ariel Fund Limited, Gabriel Capital, L.P., Ascot Partners, L.P., Ascot Fund Limited, or related entities arising out of alleged dealings between the defendants and Bernard L. Madoff and/or any business or entity connected with him shall be assigned by the back office to which the Request for Judicial Intervention is presented to Mr. Justice Lowe. The party filing the RJI shall designate the case as related to the first two matters listed above and shall annex to the RJI a copy of this Administrative Order.

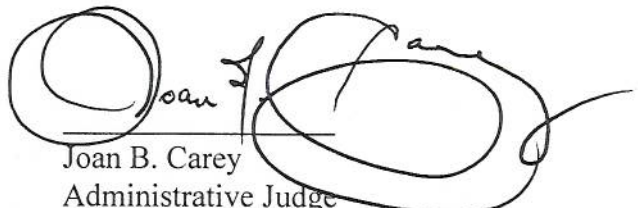
Pursuant to the policy of this court, any such matter should be commenced using the New York State Courts Electronic Filing System ("NYSCEF") and should proceed as an e-filed matter. For additional information regarding NYSCEF and e-filing in this court, including information about how to obtain an ID and password or to sign up for training (a two-CLE course is conducted weekly in our court at no charge), counsel should consult the "E-Filing" page on our court's website ([www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)) or contact the E-Filing Resource Center at 646-386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us).

Dated: April 8, 2009

FILED

APR 16 2009

NEW YORK  
COUNTY CLERK'S OFFICE

  
Joan B. Carey  
Administrative Judge